

**Template for Use in Preparing a Decision Memorandum
to
Support Application of Departmental Categorical Exclusions 1.12 and 1.13,
516 DM 2, Appendix 1**

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Decision Memorandum on Action and for Application of:

Categorical Exclusion 1.12 (or 1.13 or both)

Horse Heaven Hills Fire Rehabilitation

US Department of the Interior
Bureau of Land Management, Spokane Office
1103 N. Fancher Road
Spokane Valley, WA 99212

Description of the Proposed Action and the Purpose and Need for the Action

The proposed action is to provide the following treatments at Horse Heaven Hills: 1) stabilize ground conditions negatively impacted by a lightning-caused fire that began on 7/13/07, and by illegal motorized recreational use since the fire, and; 2) replace, repair, and improve previously existing facilities to prevent further illegal motorized access. The location is Horse Heaven Hills, Benton County, WA, T9N, R27E, Sec. 19, 23, 24, 25 30, 33 (see attached map).

Facilities/Improvements, Repair or Replacement: 1) Replace approximately 6/10th mile of barbed wire fence adjacent to McBee Grade Road, using metal posts. Remove fire-damaged barbed wire and wood fence post remnants; 2) Re-establish the non-motorized recreation access point above the cutbank, midway along this stretch of fence, alongside an existing unimproved roadside parking area. At this spot, place several boulders at the road level to prevent OHV access, reinforce fence at access entrance spot above steps, replace existing deteriorated railroad tie steps with new railroad tie steps, and add signage (“non-motorized use only”), and a kiosk. 3) Place 3’ x 3’ boulders two feet apart, as OHV barriers, at the base of eight draws where each one crosses McBee Grade Road along an approximately two mile stretch of that road. Additionally, as needed, pound in railroad tie posts on either side of boulders, to extend OHV barrier where draws are too steep-sided for boulders. Place signage roadside at each draw (“non-motorized use only”). Remove burned OHV barrier railroad tie post remnants. Fence and barriers replacement is anticipated to be completed by this fall.

Protective Fence Replacement: Replace approximately 1/4 mile of barbed wire fence serving as motorized trespass barrier at the East Gate entrance to Horse Heaven Hills, and replace the pass gate that has been shot up, utilizing steel pipe gate and posts.

Soil/Vegetation Stabilization: 1) Hand broadcast native grass seed on approximately 2 acres in six draw bottoms along McBee Grade Road and hand rake into soil. Seeding will increase soil stability, reducing soil erosion and the chance of damage to McBee Grade Road, and discourage establishment of invasive species. 2) Cover seeded area with WoodStraw mulch at a rate of 50-70% coverage, using approximately seven tons of WoodStraw. WoodStraw is all natural, biodegradable wood mulch that prevents water and wind erosion of soil, which also aids in establishment of seeded grasses. 3) Construct native grass straw bale check dams at intervals in the same draw bottoms to prevent erosion by slowing water and sediment movement. These

actions are needed to ensure soil stability and prevent invasive species establishment in an area nominated for ACEC status due to its high quality native plant and cryptogammic crust communities.

Plan Conformance

The proposed action is subject to the Spokane District Resource Management Plan (1987), and its RMP Plan Amendment (1992). The proposed action has been reviewed and found to be in conformance with this plan, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

Noxious Weeds: The general management objectives of the Spokane RMP include the following: Protect or enhance water quality, Maintain and/or improve range productivity and Manage upland habitat for wildlife species. In addition, the RMP directs that methods of controlling noxious weeds will be proposed. Therefore, controlling the spread of noxious weeds through seeding is in conformance with the Spokane RMP. No herbicides will be used.

Soil Stabilization: The RMP states, “Soils will be managed to maintain productivity and to minimize erosion. The RMP directs that corrective actions will take place, where practical, to resolve erosive conditions.” Therefore, the proposed soils stabilization treatments are in accordance with RMP.

Access/Recreation: In accordance with the Spokane District RMP, public lands are managed, and access routes are kept open, for a variety of recreational opportunities/experiences. Therefore, the proposed re-establishing of recreational access for appropriate recreation activities (non-motorized), and creating barriers to illegal recreation (motorized), is in accordance with the RMP.

The Proposed Action was designed in conformance with all bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities.

Compliance with the National Environmental Policy Act

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, 1.13. The proposed action would accomplish post-fire rehabilitation activities including fence replacement; and repair or improve lands unlikely to recover to a management approved condition from wildland fire damage. The proposed action does not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and shall be completed within three years following the wildland fire that caused the damage being repaired.

The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment. None of the exceptions apply. These extraordinary circumstances are contained in 516 DM 2, Appendix 2.

Replacing the fire-destroyed railroad tie posts used as OHV barriers, primarily with boulders, would be an improvement since the boulders would suffer little or no damage in the event of future fire(s), and at a similar cost to railroad tie post replacements. There is no potential for significant effects from the facilities improvements/repairs/replacements because those actions simply replace or reinforce previously existing facilities, and no heavy equipment will be taken off road for their construction.

Compliance with the Section 106 of the National Historic Preservation Act

Consultation for this project was initiated with the Confederated Tribes of the Umatilla Indian Reservation, the Yakama Indian Nation, the Colville Confederated Tribes and the Department of Archaeology and Historic Preservation (DAHP) on 2/13/2008. The tribes and the DAHP agreed with our determination of no effect to historic properties on (or prior to) 3/7/2008.

Cultural resources inventory was conducted within the ground-disturbing portions of the project. No cultural resources were identified. It was determined that monitoring was not necessary during project implementation due to the low probability of subsurface cultural resources within the project area. However, in the unlikely event cultural resources are identified during project implementation, work will cease until a BLM archaeologist has evaluated the resource.

Persons and Agencies Consulted

BLM will make this document available on the district web site at www.blm.gov/or/districts/spokane.

Decision and Rationale on Action

I have decided to implement all of the soil/vegetation stabilization, and facilities improvement actions identified in this document. These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required. This decision is effective immediately upon signature, in accordance with 43 CFR 4190.1.

Implementation Date

This project will be implemented on or after 3/10/08. For maximum effectiveness, the seeding and mulching actions need to be accomplished in early March 2008. Completion date of fence building may depend on volunteer worker group (Back Country Horsemen) availability, between spring and fall of 2008. Alternately, BLM staff and prison crew labor may be the only sources of labor utilized to accomplish all of the work.

_____/S/_____

James Scott Pavey

Acting Field Manager, Border Resource Area

_____3-10-08_____

Date

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be mailed to the BLM Border Field Office, Spokane District, 1103 N. Fancher Rd, Spokane Valley, WA 99212, no later than March 17, 2008. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 500 NE Multnomah Street, Suite 607, Portland, Oregon 97232. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- The relative harm to the parties if the stay is granted or denied.
- The likelihood of the appellant's success on the merits.
- The likelihood of immediate and irreparable harm if the stay is not granted.
- Whether or not the public interest favors granting the stay.

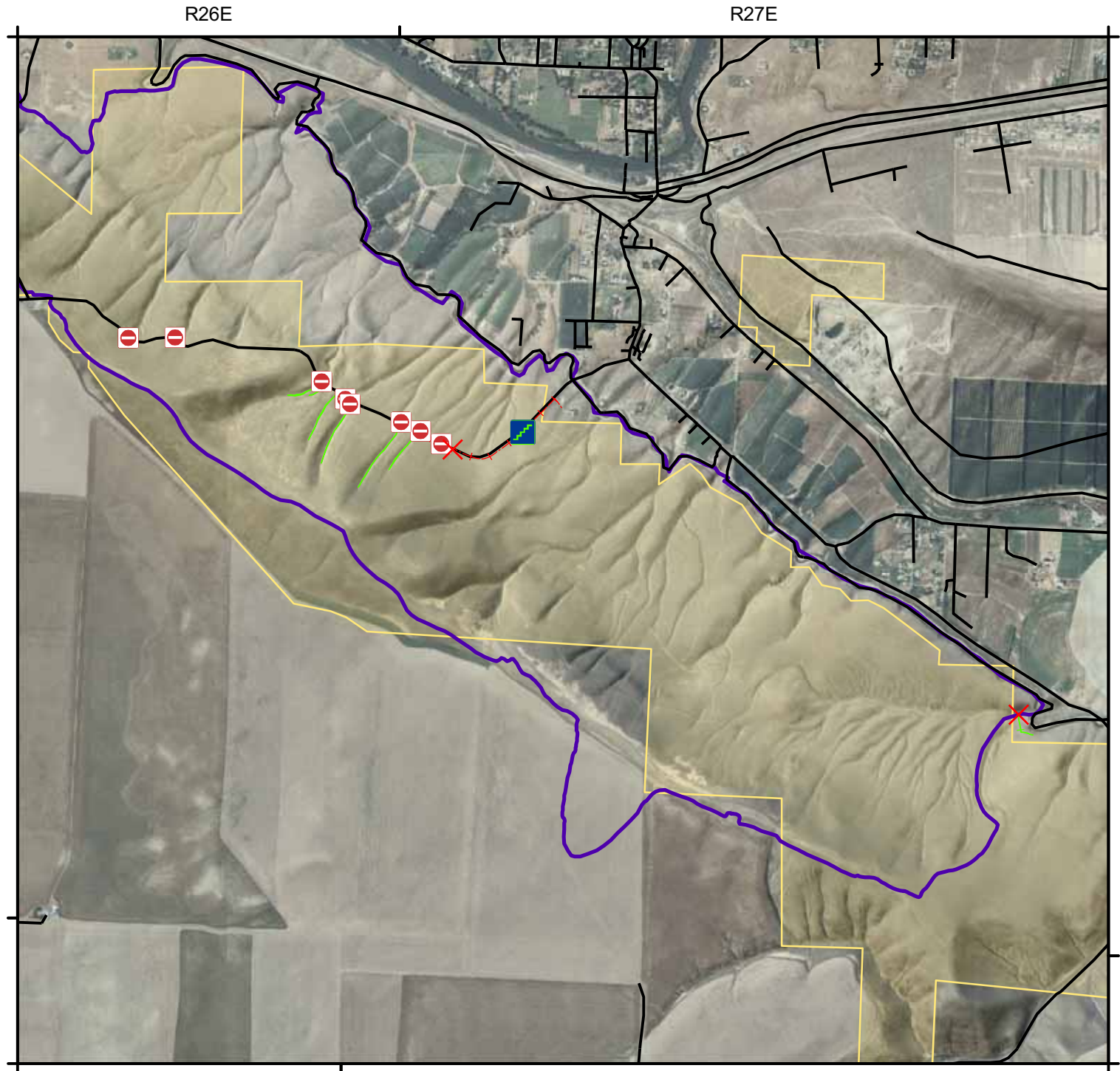
As noted above, the motion for stay must also be filed in the office of the authorized officer.

Contact Person

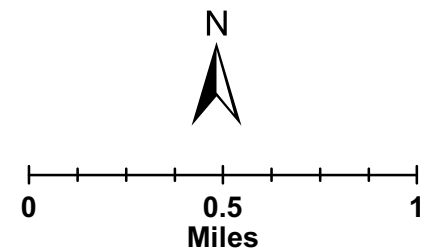
For additional information concerning this decision, contact Steve A. Smith, Outdoor Recreation Planner, Border Resource Area, 1103 Fancher Road, Spokane Valley, WA 99212, 509-536-1219.

McBee Grade Fire Stabilization and Facility Repair

OR135-08-CX-005



- BLM Lands
- McBee Fire Perimeter
- Proposed Facility Repair**
 - Barrier
 - End of existing fence
 - Pass gate and steps
 - Fence Repair 1
 - Fence Repair 2
- Proposed Stabilization**
 - Seed, Mulch and Check Dams



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.